S.B. CIVIL WRIT PETITION NO.8221/2007

Nand Ram.
vs.
Rewant Ram and ors.

Date : 13.12.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.MS Purohit, for the petitioner.

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Heard learned counsel for the petitioner.

It appears from the order-sheets placed on record by the petitioner that the issues were framed by the trial court on 3.8.2006. Thereafter, the trial court granted time to the plaintiff/ petitioner to produce evidence on 5.9.2006, 11.10.2006 and thereafter, granted last opportunity on 15.11.2006. Thereafter, the trial court granted further adjournment on payment of cost of Rs.50/- on 25.1.2007, then on payment of costs of Rs.100/- on 7.3.2007 and then on further payment of costs of Rs.100/- on 13.4.2007. Thereafter, on 23.4.2007, the plaintiff produced affidavit of witness Nand Ram. On 7.8.2007, the plaintiff's evidence was closed. The Court fixed the case for evidence of defendant on 7.9.2007 and

8.10.2007. However, on 15.11.2007, the defendant's evidence was also closed by the trial court.

The plaintiff has challenged the order of the trial court dated 7.8.2007 by filing this writ petition on 11.12.2007 i.e. after four months.

It appears from the copy of order-sheets placed on record that more than sufficient opportunity was granted to the plaintiff to produce evidence but he did not produce. Even cost was imposed but then also, he sought one after another adjournment and thereafter, when the case was fixed for final arguments on 13.12.2007, this writ petition has been filed on 11.12.2007, 2 days prior to the date fixed for final arguments.

In view of the above, I do not find any reason to interfere in such an order.

Consequently, this writ petition, having no merits, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya